

VZCZCXRO9762
PP RUEHBC RUEHDE RUEHDIR RUEHIHL RUEHKUK
DE RUEHGB #1539/01 1291020
ZNY SSSSS ZZH
P 091020Z MAY 07
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC PRIORITY 1082
INFO RUCNIRA/IRAN COLLECTIVE PRIORITY
RUCNRAQ/IRAQ COLLECTIVE PRIORITY
RUEKJCS/CJCS WASHINGTON DC PRIORITY
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY
RHEHAAA/WHITE HOUSE WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEKJCS/DIA WASHDC PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY

S E C R E T SECTION 01 OF 03 BAGHDAD 001539

SIPDIS

SIPDIS

E.O. 12958: DECL: 05/08/2017

TAGS: [PREL](#) [MOPS](#) [MARR](#) [PINS](#) [PNAT](#) [PINR](#) [IR](#) [IZ](#)

SUBJECT: IRAQ-IRAN - THE SHATT AL ARAB BORDER DISPUTE

REF: BAGHDAD 01359

Classified By: Deputy Chief of Mission Daniel V. Speckhard for reasons
1.4 (b) and (d).

11. (S) SUMMARY: Iran's detention of 15 British naval personnel in March highlighted long-standing tensions along the Iraq-Iran maritime boundary and the importance of helping Iraq develop the diplomatic and military tools necessary to defend its frontiers against intrusion and infiltration. The dispute over the Shatt al Arab -- Iraq's only outlet to the Gulf from the Euphrates River -- has important economic, political and military implications. The 1975 Algiers Accord, an UN-registered treaty, remains in force as the legal instrument outlining the land and river boundary between the two countries; however, political contention, treaty ambiguities and thirty years of alterations to the coastline call into question the Accord's current relevance. In addition, beyond the Shatt al Arab limit, Iran and Iraq have no maritime boundary. Instead, the U.S. Military and Coalition partners patrolling the northern Persian Gulf have created an Operational Line (OPLINE) marking the limit of Coalition vessels' movements. Iraqi leaders' posture on this issue has been muted by Iraq's more immediate security crises and by its current inability to enforce its territorial waters. We have begun to engage with Iraqis on how they can better assert Iraq's sovereignty. END SUMMARY.

Current Provisions Insufficient to Address Disputes

12. (C) The late March detention of fifteen British sailors and marines was the latest in a long series of aggressive moves by Iran in the disputed territorial waters of the Shatt al Arab. During a mid-April meeting of the Ministerial Council for National Security (reftel), Iraqi Joint Headquarters Commander General Babakr al-Zebari complained that the Iranians were increasingly "creeping" into Iraqi territorial waters. In response, PM Maliki said the GOI needed to tell Tehran to stop these incursions.

The Algiers Accord

13. (C) In 1975, Saddam Hussein and the Shah of Iran signed the Algiers Accord, defining their common land and river boundary. The Accord, which was registered with the UN in 1976, granted Iran concessions along the Shatt in exchange for Iran's agreement to end support for the Kurdish revolt

inside Iraq. The conditions of the treaty have not been consistently implemented, however, resulting in an alignment today that deviates from the original definition of the boundary. Saddam unilaterally repudiated the Accord in 1980, three days before invading Iran, but reconfirmed it 10 years later in an attempt to win Iranian support following Iraq's invasion of Kuwait. Many Iraqis view the Accord as a betrayal by Saddam that gave too much control of the river to Iran while constraining Iraq's security and economic independence. Neither country, however, has ever requested that the UN terminate the treaty and it - according to the UN - remains in force.

The Thalweg Problem

¶4. (C) The Accord draws the river boundary in the Shatt al Arab in accordance with the thalweg principle, fixing the boundary in the center of the deepest navigable part of the waterway. The land boundary enters the Shatt al Arab near the Iranian city of Khorramshahr and stretches down to the mouth of the river, ninety kilometers downstream. The boundary continues another 12 kilometers in a straight line through the usually submerged mudflats of the river delta and out to the Persian Gulf. The Algiers Accord identifies the boundary terminus as "Point R." This area between the mouth of the Shatt and Point R constitutes the two states' internal waters; the other side of Point R indicates international waters.

¶5. (C) The Accord provides for a boundary commission to conduct periodic surveys to determine the location of the

BAGHDAD 00001539 002 OF 003

thalweg, which has moved appreciably both upstream and in the mudflats, but there has been no reassessment since the original 1974 survey. Silt deposits have shifted the mouth of the river in the mudflats westward, shrinking Iraq's coastline by almost a kilometer in Iran's favor. When Iran captured the British vessel in March, State Department geographers initially thought Iran was claiming the boundary had moved south with the river channel. The British vessel was located just southwest of Point R, placing the capture point clearly within Iraqi internal waters, according to the Accord. When the UK challenged Iran on this, however, Tehran promptly broadcast new coordinates, placing the vessel north of the Algiers Accord line and clearly in Iranian waters. While Iran has implied it has its own views on the current boundary line, Iran did not use the March incident to directly challenge the boundary location of the original Accord line.

Iran and the "Operational Line"

¶6. (S) Beyond Point R, Iran and Iraq have never established a boundary separating their territorial sea claims, which extend out twelve nautical miles and overlap in the cul de sac that forms the northern Persian Gulf. Without a clear boundary line to guide them, U.S., UK, and Australian maritime forces have established an "Operational Line" (OPLINE) to provide a clear northern coastal limit within which Coalition Forces could operate assured that they were in Iraqi waters, particularly as they carried out their mission to protect Iraq's two oil platforms. The OPLINE is not intended to separate Iran and Iraq's territorial sovereignty. The OPLINE continues out as a straight-line tangent from the Accord line at Point R for twelve nautical miles, passing just north of the Khawr Al Awar Oil Terminal and well within Iraq's territorial waters.

¶7. (C) Iran has never publicly articulated where it perceives its territorial waters separate from Iraq's beyond Point R. Instead, Tehran has exploited the territorial ambiguity to

its advantage, arresting hundreds of fishermen for operating within areas it asserts are Iranian. Some of these areas are close to, and sometimes cross, the OPLINE, according to military and press reports. According to the Coalition, Islamic Revolutionary Guard craft have also encroached into Iraqi maritime space and challenged Coalition forces in the vicinity of the Iraqi oil platforms.

Limited Military Capabilities to Enforce Border

18. (S) During a 23 April meeting with the Pol-Mil Counselor and MNF-I leaders, Iraqi Rear Admiral Jawad Kadhum, Head of Navy (HoN), acknowledged that Iranian military vessels regularly crossed the Algiers agreed boundary, as well as the OPLINE. He conceded, however, that the Iraqi Navy had neither the strength nor the will to enforce either line on its own, adding as a joke that the Navy leadership is half-Iranian. Jawad noted he had discussed this with former Iraqi Prime Minister al-Jaffari, who agreed there was a problem, but stressed that it was not time to address the issue. Jawad said that Iraq was still not in a position to challenge Iran and that he had specifically ordered his sailors not to fire on intruding Iranian vessels, maintaining instead a "peaceful reaction." He warned that the Iranians are trying to provoke a Coalition reaction that could then be exploited by their media as an example of foreign invaders victimizing the Iranian people.

19. (C) Iraq has two maritime forces in the southeast: the Iraqi Coast Guard's Inland Waterways Division enforces the law along Iraq's rivers, while the Iraqi Navy forces patrol Iraq's territorial waters beyond in the Persian Gulf. Responsibility for the northern mudflats of the Shatt al Arab, including the site where the British were detained, is unclear due to the contentious border, as well as the location's inaccessibility for Iraqi Navy and NAVCENT forces. Based on our general understanding of their jurisdictions, the Coast Guard should patrol this area, but limited Coalition presence in southern Iraq prevents visibility into the Coast Guard's structure or reliability. Of the 14 Border Transition Team requirement identified by MNC-I, only one

BAGHDAD 00001539 003 OF 003

three-man Border Transition Team supports the whole MND-SE area of responsibility.

Economic Implications

110. (C) Poor internal security and the lack of maritime agreements with Iran prevent the development of any clear shipping and security treaties along Iraq's border with Iran, inhibiting the development of legal trade and fostering an increase in smuggling. Smugglers move freely along the river and across the submerged mudflats, using illegal docks along the waterway in operations that often involve whole villages. Great volumes of smuggled oil and refined product are purportedly often sold to waiting oil tankers, costing the Iraqi government millions in lost revenue.

111. (C) Additionally, threats of attacks and bribes deter many foreign shippers from entering Iraqi waters and using Iraqi ports. Because the Shatt has been poorly maintained, commercial shippers also face dangers from shipwrecks, shallow water, unexploded ordnance, and a lack of navigational aids. Accurate maps are scarce, and mariners often share navigational information by word of mouth, following maritime courses that appear to run over land on outdated nautical charts.

112. (C) Iraqi leaders have expressed interest in working with Iran to re-dredge the Shatt and remove wrecks; U.S. assistance in setting up this arrangement would be considered

valuable. Admiral Jawad told Embassy officers that a committee from Basrah University had received funding from the Ministry of Higher Education and the Basrah governorate to conduct a survey to determine how far the thalweg had shifted. While it is useful for Iraq to take the initiative, results from an Iraqi university survey may not be recognized by Iran. Participation by an independent third party could bolster this initiative and provide an internationally recognized picture of the waterway that could be used to clearly redefine Iraq and Iran's maritime boundary.

Comments

113. (C) The Embassy is trying to elicit a clear understanding of the GOI's position toward the Algiers Agreement, as well and whether it shares the U.S.'s interpretation of the treaty. In addition to Admiral Jawad, we have begun to engage Iraqi political leaders on the issue of territorial sovereignty. The Embassy and MNF-I have also raised the related issue of Iranian drilling activities in disputed territories along the land boundary between Iran and Iraq. On April 27, Econ Counselor and MNF-I Deputy Chief of Staff for Strategic Operations MG Fastabend presented Deputy PM Barham Saleh with information on Iranian drilling near Fort Goteyba. The DPM, who was scheduled to visit Tehran, responded positively to the request to raise these violations with the Iranians. Saleh also volunteered the view that with the shift in the thalweg in the Shatt al Arab, the Iranians many technically be correct in asserting the UK mariners were in Iranian waters. Saleh explained that he did his doctoral dissertation on coastal engineering, so he has a personal interest in the question of where the boundary might actually be.

114. (S) We should also consider whether to unite our comparative advantage in naval power with Iraqi resentment of Persian encroachment. The U.S. military could share information with Iraq on the regular incursions by Iran and the costs of constant oil and weapons smuggling as motivation to act on the issue. We can work with the Ministry for Foreign Affairs to protest all future incursions and conduct an info campaign aimed at building popular Iraqi resentment over the Shatt al Arab maritime dispute.
CROCKER